

Sixth Appellate District

San Jose, California

MONDAY, JUNE 12, 2006

H029500 PEOPLE v. RICHARDSON

The judgment is affirmed. (not published)  
(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)  
Filed June 12, 2006

H029355 PEOPLE v. ZAMORA

The judgment is affirmed. (not published)  
(Elia, J.; We concur: Rushing, P.J., Mihara, J.)  
Filed June 12, 2006

H028395 PEOPLE v. BUI

The abstract of judgment is ordered modified to strike the order to pay \$500 in attorney's fees and the \$300 criminal laboratory analysis fee under section 11372.5, and to reduce the \$100 laboratory analysis fee under section 11372.5 and related penalty assessments by one half. As so modified, the judgment is affirmed. (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)  
Filed June 12, 2006

H029304 PEOPLE v. CREPSAC

The judgment is affirmed. (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)  
Filed June 12, 2006

TUESDAY, JUNE 13, 2006

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Elia, J.; Mihara, J.; and W. Magsaysay and L. Brooks, Deputy Clerks.

H028263 PEOPLE v. WILLIAMS

Cause called and argued by Maureen L. Fox appearing for Appellant and by Dorian Jung, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H028811 PEOPLE v. WALTERS

Cause called and argued by Gordon B. Scott appearing for Appellant and by Amy Haddix, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, June 13, 2006 (continued)

H028201 PRESERVATION ACTION COUNCIL v. CITY OF SAN JOSE, et al.;  
LOWE'S HIW, INC.; IBM, INC.

Cause called and argued by Joseph D. DiCiuccio, Deputy City Attorney, appearing for Appellant City of San Jose, by Arthur Jay Friedman appearing for Appellants Lowe's HIW, Inc., and by Susan Brandt-Hawley appearing for Respondent. Rita Chan, Esq. appearing for appellant IBM, Inc. is present but waives oral argument. Cause ordered submitted. Court adjourns.

H029246 PEOPLE v. MAGEE

The judgment is affirmed. (not published)  
(Elia, J.; We concur: Rushing, P.J., Premo, J.)  
Filed June 13, 2006

H029465 PEOPLE v. MATTHEW S.

The matter is remanded to the trial court with directions to correct the August 24, 2005 minute and commitment orders to reflect the order of victim restitution to the Monterey Unified School District only, in the amount of \$1,197.04. As so modified the August 24, 2005 orders are affirmed. (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)  
Filed June 13, 2006

H029554 PEOPLE v. ANTHONY A.

The judgment is affirmed. (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)  
Filed June 13, 2006

WEDNESDAY, JUNE 14, 2006

The following case is submitted this date:

H028126 PEOPLE v. RYAN

H027955 PEOPLE v. HERNANDEZ

The judgment is modified to declare that the sentence on count 4, exhibiting harmful matter in violation of Penal Code section 288.2, subd. (a), is stayed pursuant to Penal Code section 654. The trial court is directed to prepare an amended abstract of judgment reflecting this modification and to forward same to the Department of Corrections. In all other respects the judgment is affirmed. (not published)  
(Rushing, P.J.; We concur: Elia, J., Mihara, J.)  
Filed June 14, 2006

Sixth Appellate District

San Jose, California

Wednesday, June 14, 2006 (continued)

H027433 PEOPLE v. RODRIGUEZ

The judgment is reversed. (not published)  
(Rushing, P.J.; We concur: Mihara, J., McAdams, J.)  
Filed June 14, 2006

H027990 LAUCELLA on Habeas Corpus

By the Court\*:

Respondent's petition for rehearing is denied.  
Filed: June 14, 2006

\*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and McAdams, J.

The following case is submitted this date:

H029228 PEOPLE v. TERRENCE R.

H029522 In re ELIZABETH E.; SANTA CRUZ HUMAN RESOURCES AGENCY v. PEDRO F.

The order terminating parental rights is conditionally reversed, and the matter is remanded to the juvenile court with directions that the Santa Cruz County Human Resources Agency provide proper notice to all three Choctaw tribes and the Bureau of Indian Affairs. The Agency is directed to file proof of receipt of such notice by the tribes and the Bureau of Indian Affairs, along with a copy of the notice and any responses. If, after receiving notice as required by the ICWA, no response indicates that Elizabeth is an Indian child, or the responses received indicate that she is not an Indian child within the meaning of the ICWA, the order terminating parental rights shall be immediately reinstated. If any tribe determines that Elizabeth is an Indian child within the meaning of the ICWA, the juvenile court shall conduct further proceedings applying the provisions of the ICWA, Welfare and Institutions Code section 360.6, and rule 1439 of the California Rules of Court. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)  
Filed June 14, 2006

H029462 PEOPLE v. BOYD

The judgment is affirmed. (not published)  
(Elia, J.; We concur: Rushing, P.J., Premo, J.)  
Filed June 14, 2006

H029323 PEOPLE v. LANDECHO

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Rushing, P.J., McAdams, J.)  
Filed June 14, 2006

Sixth Appellate District

San Jose, California

Wednesday, June 14, 2006 (continued)

H029627 In re ABRAHAM C.; MONTEREY COUNTY DSS v. ERNEST O.

The order is affirmed. (not published)  
(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)  
Filed June 14, 2006

THURSDAY, JUNE 15, 2006

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Premo, Acting P.J.; Elia, J.; Bamattre-Manoukian J.; Jane Valdez Flor and L. Brooks, Deputy Clerks.

H028614 PEOPLE v. TORFASON

Cause called and argued by Douglas C. Kane appearing for appellant and by Sharon G. Birenbaum, Deputy Attorney General, appearing for respondent. Cause order submitted.

H028696 PEOPLE v. JOHNSON

Cause called and argued by Jill A. Fordyce appearing for Appellant and Lisa H. Ashley-Ott, Deputy Attorney General, appearing for Respondent. Cause order submitted.

H028539 GILROY CITIZENS FOR RESPONSIBLE PLANNING, et al. v. CITY OF GILROY

Cause called and argued by William D. Kopper appearing for appellants, by Andrew L. Faber appearing for respondent City, and by Arthur Jay Friedman appearing for respondent Walmart. Cause order submitted. Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Elia, Acting P.J.; Bamattre-Manoukian, J.; Duffy, J.; and Beth Miller, Deputy Clerk.

H027885 FLORES, et al. v. DEL SALA, et al.

Cause called and argued by James F. Tritt appearing for Appellants and by Prescott J. Kendall appearing for Respondents. Cause ordered submitted.

Elia, Acting P.J. leaves the bench and Premo, Acting P.J. takes the bench.

H028073 PEOPLE v. LEGRANDE

Cause called and argued by James K. Roberts appearing for Appellant and by Mark S. Howell, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Thursday, June 15, 2006 (continued)

H028841 SANTA CLARA VALLEY TRANSPORTATION AUTHORITY v. REA;  
AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES,  
LOCAL 101, AFL-CIO

Cause called and argued by Roger A. Jeanson appearing for Appellant Rea, as Director, etc., et al., Sheila Kathleen Sexton appearing for Real Party in Interest and Appellant American Federation of State, County, and Municipal Employees, Local 101, AFL-CIO, and by Richard Alan Katzman appearing for Respondent. Cause ordered submitted. Court adjourns.

H028769 YAQUB v. NOSSAMAN, GUTHNER, KNOW & ELLIOTT, LLP.

By the Court\*:

Appellant's petition for rehearing is denied.

Filed: June 15, 2006

\*Before Rushing, P.J., Mihara, J. and McAdams, J.

H028996 JUSTI v. JUSTI

The appeal is dismissed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed June 15, 2006

H028724 WEINBERG, et al. v. MAJUMDER

The judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed June 15, 2006

H027694 OSBORN v. PISONI, et al.; ERNST

By the Court\*:

Respondent Osborn's petition for rehearing is denied.

Filed: June 15, 2006

\*Before Mihara, Acting P.J., McAdams, J. and Duffy, J.

FRIDAY, JUNE 16, 2006

H027860 LOS ALTOS EL GRANADA INVESTORS v. CITY OF CAPITOLA, et al.

(Filed order modifying opinion.) There is no change in judgment. The petitions for rehearing are denied. (published)  
(Premo, J.; We concur: Rushing, P.J., Duffy, J.)

Filed June 16, 2006

H028697 PEOPLE v. LING, et al.

The judgment is affirmed. (not published)

(Elia, J.; We concur: Premo, Acting P.J., Bamattre-Manoukian, J.)

Filed June 16, 2006

Sixth Appellate District

San Jose, California

Friday, June 16, 2006 (continued)

H028372 PEOPLE v. HERNANDEZ

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Rushing, P.J., McAdams, J.)  
Filed June 16, 2006

H029262 PEOPLE v. DAVID S.

By the Court\*:

Appellant's petition for rehearing is denied.

Filed: June 16, 2006

\*Before Premo, J., Rushing, P.J. and Elia, J.